IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 15059 of 2005

Between:

Human Resource Development Society H.No.3-5-1026/1,
Narayanaguda, Hyderabad, Rep by its Secretary-Cum-
Correspondent Dr.K.K.V. Sharma.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep by its Prl. Secretary, School

Education Department, Secretariat, Hyd..
2 The National Council for Teacher Education Southern Region

Committee 1st Floor CSD Building, HMT Post, Bangalore-31.
3 The Commissioner and Director of School Education A.P.Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to i) declare the action of the 1st respondent in canceling the notification dt.1.12.2003 notifying the areas for establishment of B.Ed College for the academic year 2004-05 ii) Proceedings dt.22.6.2004 issued by the 2nd respondent returning the application of the Petitioner seeking NOC for establishment of B.Ed College for the academic year 2004-05 and iii) consequential proceedings dt.6.9.2004 issued by the 2nd respondent rejecting the application of the petitioner for establishment of B.Ed College, as illegal arbitrary and contrary to the NCTE Act and regulations by way of issuance of a writ, order or direction, one more particularly in the nature of writ of mandamus and consequently direct the 2nd respondent to consider the application of the petitioner under Regulation 6 of the NCTE Regulations 1995 as amended

from time to time and grant recognition for the same for establishment of HRD College of Teacher Education at Devarkonda, Nalgonda District as per the application filed by the petitioner and pass such other order or orders.

Counsel for the Petitioner: MR.S.SRI RAM

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in issuing the proceedings dated 12-06-2004 and 22-06-2004 under which the original notification issued on 01-12-2003 was kept in abeyance as well as cancelled.

2. It is stated that the said action of the first respondent-State Government was subject matter of a writ petition in W.P.No.10653 of 2004 in which this Court set aside the above proceedings, and consequently, directed the NCTE to consider the application of the petitioner for grant of recognition. Therefore, the petitioner who made his application for grant of 'No objection certificate' from the first respondent in response to the notification dated 01-12-2003 is also covered by the proceedings dated 12-06-2004 and 22-06-2004 of the first respondent. In view of the above proceedings, the second respondent herein passed an order rejecting the application of the petitioner on the ground that it is not accompanied by the 'no objection certificate' issued by the State Government. Therefore, sought for quashing of the impugned proceedings including the proceedings of the second respondent dated 06-09-2004.

3. However, the learned Government Pleader stated that an appeal has been filed against the order of the learned Single Judge in W.P.No.10653 of 2004, but the said order was not suspended. Therefore, this Court in fact passed even in some other similar cases quashing the said impugned order and directed the NCTE to consider the applications in those cases.

4. Heard both sides and considered the material on record.

5. In view of the fact that the impugned proceedings of the first respondent dated 12-06-2004 and 22-06-2004 have already been set aside by this Court, the second respondent has to consider the application of the petitioner for recognition. However, by an order dated 06-09-2004 the second respondent also rejected the application of the petitioner on the ground that the application was not accompanied by the 'no objection certificate' issued by the first respondent.

6. Under the above circumstances, the impugned proceedings of the second respondent dated 06-09-2004 is set aside and the second respondent is directed to reconsider the application of the petitioner for grant of recognition in accordance with law.

7. Accordingly, the writ petition is disposed of. No order as to costs.

S.ANANDA REDDY, J

13th July, 2005

Note:

Furnish C.C. within one week.

B/o.

SKM

To

1 The Prl. Secretary, Government of Andhra Pradesh, School

Education Department, Secretariat, Hyderabad.

2 The National Council for Teacher Education Southern Region

Committee, 1st Floor CSD Building, HMT Post, Bangalore-31.

3 The Commissioner and Director of School Education A.P.Hyderabad.

4 Two C.Cs. to G.P. for School Education, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

5 Two CD Copies.